IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.21119 of 2007

Between:
Anjuman-e-Islamia, Narasaraopet
Rep. By its President Md.Muzammil

..... PETITIONER

AND
Andhra Pradesh State Wakf Board, Hyderabad
Rep.by its Chief Executive Officer,
Haj House, Opp.Public Garden,
Nampally, Hyderabad and another

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.21119 of 2007

ORDER:

This writ petition is filed by the petitioner Committee, aggrieved by the proceedings of the 1st respondent Wakf Board dated 14.09.2007, under which the management was taken over under its direct supervision.

The grievance of the petitioner is that the petitioner committee was appointed to look after the management of the Wakf in question viz., Anjuman-e-Islamia, situated at Narasaraopet, Guntur District, which is a notified Wakf published in gazette on 28.06.1962. It is stated that the committee was originally constituted earlier, but finally by an order dated 01.02.2005 the term was extended for a period of two years, which expired by 31st January, 2007. Thereafter, the petitioner committee continued in management for want of constitution of other fresh committee or for not passing any orders for extension of tenure with reference to the committee. But, however, the petitioner approached this Court seeking a direction for extension of tenure on the ground that no committee was appointed. Therefore, this Court while disposing of the writ petition directed the 1st respondent to take necessary steps to appoint a committee to administer the affairs of the wakf in question. In fact, pursuant to the said directions, perhaps the impugned order is passed where the 1st respondent assumed direct management.

Questioning the same, the present writ petition is filed.

The grievance of the petitioner is that if direct management is taken over by the Wakf Board in terms of Sec.65 of the Wakf Act, 1995, the Wakf Board may not be in a position to manage the wakf properly and devotees may suffer. It is also contended that no notice was issued before passing the impugned order of assumption of direct management and also contended that the provisions of Sec.65 could be invoked only when Muthawalli was holding the wakf and if any misappropriation taken place on his part and not otherwise.

Heard the learned counsel for the petitioner and learned standing counsel for the 1st respondent.

The petitioner committee was constituted for a particular tenure and its tenure had already expired, therefore, the petitioner cannot claim that it has got any statutory right to continue in office while seeking extension of its tenure. Even in the earlier writ petition filed by the petitioner committee, no such direction was granted and there is only direction to take necessary steps to appoint a Committee for the management of the Wakf. Pursuant to the said order, the Wakf Board passed the impugned order, taking over the direct management since the 1st respondent Wakf Board felt the need for re-constitution of the Committee.

In view of the above reasons given in the impugned order, there is no merit in the contentions of the writ petition, and accordingly, the Writ Petition is dismissed as devoid of merit. No order as to costs.

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S.ANANDA REDDY.J

Dated: 08.10.2007
Dsr